



#6

RECEIVED  
DEC 04 2001  
TECH CENTER  
012900

Please type a plus sign (+) in the box below.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Approved for use through 10/31/02. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/905,777	
	Filing Date	July 13, 2001	
	First Named Inventor	James CHEN	
	Group Art Unit	1614	
	Examiner Name	To be assigned	
Total Number Of Pages In This Submission	5	Attorney Docket No.	398032000400

**ENCLOSURES (check all that apply)**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form                                  | <input type="checkbox"/> Assignment Papers (for an Application)                         | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input type="checkbox"/> Amendment / Reply                                     | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declarations                               | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request                             | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):            |
| <input type="checkbox"/> Express Abandonment Request                           | <input type="checkbox"/> Terminal Disclaimer  | 1. Form PTO-1449 (2 pages);  |
| <input checked="" type="checkbox"/> Information Disclosure Statement (3 pages) | <input type="checkbox"/> Request for Refund   | 2. Return/receipt postcard.  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                | <input type="checkbox"/> CD, Number of CD(s) _____                                      | <b>3. 33 references</b>  |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application     |   |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53   |   |  |

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual Name	Charles D. Holland Morrison & Foerster LLP 755 Page Mill Road Palo Alto, CA 94304
Signature	
Date	October 26, 2001

Charles D. Holland, Registration No. 35,196

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on October 31, 2001.

Patricia A. Johnson

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

RECEIVED

DEC 04 2001

TECH CENTER 1600/2900

PATENT

Docket No. 39803200046



CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231, on Oct. 31, 2001.

Patricia A. Johnson  
Patricia A. Johnson



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

James CHEN

Serial No.: 09/905,777

Filing Date: July 13, 2001

For: NONINVASIVE VASCULAR  
THERAPY

Examiner: To be assigned

Group Art Unit: 1614

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 AND § 1.98

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \$180.00 is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee. Accordingly, a Petition requesting consideration of the Information Disclosure Statement, an authorization to charge our deposit account, and a Certification under 37 C.F.R. § 1.97(e) are provided herein.

Applicant would appreciate the Examiner's initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is to the best of my knowledge and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

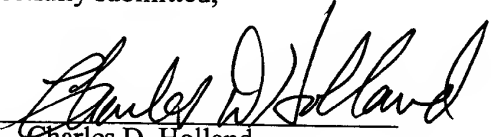
In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for

any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 398032000400. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: 08 23, 2001

Respectfully submitted,

By:

  
Charles D. Holland  
Registration No. 35,196

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5832  
Facsimile: (650) 494-0792

Form PTO-1449

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 398032000400

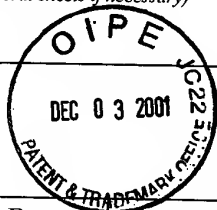
Application Number 09/905,777

Applicant

James CHEN

Filing Date July 13, 2001

Group Art Unit 1614

Mailing Date Oct. 31, 2001

## U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	12/15/1992	5,171,749	Levy et al.			
	2.	02/01/1994	5,283,255	Levy et al.			
	3.	02/27/1996	5,494,793	Schindele et al.			
	4.	08/06/1996	5,543,514	Sessler et al.			
	5.	10/15/1996	5,565,552	Magda et al.			
	6.	01/06/1998	5,705,518	Richter et al.			
	7.	11/03/1998	5,829,448	Fisher et al.			

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	8.	03/26/1985	EP 0 175 617	Europe			
	9.	01/09/1991	EP 0 407 155	Europe			
	10.	01/09/1992	WO 92/00106	WIPO			
	11.	06/24/1993	WO 93/11657	WIPO			
	12.	11/30/1995	WO 95/32001	WIPO			
	13.	09/04/1997	WO 97/31582	WIPO			
	14.	12/11/1997	WO 97/46262	WIPO			
	15.	07/26/1978	51-159879	Japan			YES
	16.	11/15/1982	57-185220	Japan			YES

## OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	17.	Adili, F. et al., (1995) "Local delivery of photosensitizing drugs in arteries: a novel approach to photodynamic therapy for the prevention of intimal hyperplasia" <i>SPIE</i> 2395: 402-408.
	18.	Dartsch, P.C. et al., (1990) "Photodynamic therapy of vascular stenoses? Response of cultured human smooth muscle cells from non-atherosclerotic arteries and atheromatous plaques following treatment with photosensitizing porphyrins" <i>SPIE</i> 1462:77-80.

EXAMINER: /Karen A. Canella, Ph.D./

DATE CONSIDERED: 06/10/2010

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

RECEIVED

DEC 04 2001  
TECH CENTER 1600/2900

Form PTO-1449

INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 398032000400

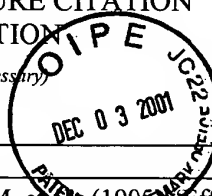
Application Number 09/905,717

Applicant

James CHEN

Filing Date July 13, 2001

Group Art Unit 1614

Mailing Date Oct 31, 2001

- |     |  |
|-----|--|
| 19. | Devoisselle, J.M. et al. (1998) "Effect of indocyanin green formulation on blood clearance and vivo fluorescence kinetic profile of skin" <i>SPIE</i> 2627:100-108.  |
| 20. | Kreimer-Birnbaum, M. (1989) "Modified porphyrins, chlorins, phthalocyanines, and purpurins: second-generation photosensitizers for photodynamic therapy" <i>Sem. Hematol.</i> 26(2):157-173.   |
| 21. | Lourwood, D.L. (1998) "The pharmacology and therapeutic utility of bisphosphonates" <i>Pharmacotherapy</i> 18(4):779-789.  |
| 22. | Meerovich, G.A. et al., (1996) "Photosensitizer for PDT based on phosphonate phthalocyanine derivative" <i>SPIE</i> 2924: 86-90.   |
| 23. | Papapoulos, S.E. (1997) "Bisphosphonates: structure-activity relations from a clinical perspective" <i>Medicina</i> 57(Suppl. 1): 61-64.   |
| 24. | Nakatani, Y. et al., (1981) "Chemistry and biochemistry of Chinese drugs. VII. Cytostatic pheophytins from silkworm excreta, and derived photocytotoxic pheophorbides" <i>Chem. Pharm. Bull.</i> 29(8):2261-2269.  |
| 25. | Nemoto, R. et al., (1993) "Inhibition by a new bisphosphonate (YM175) of bone resorption induced by the MBT-2 tumour of mice" <i>British Journal of Cancer</i> 67(5):893-897.  |
| 26. | Sharman, W.M. et al., (1996) "Novel water-soluble phthalocyanines substituted with phosphonate moieties on the benzo rings" <i>Tetrahedron Letters</i> 37(33):5831-5834.   |
| 27. | Umemura et al., (1996) "Recent advances in sonodynamic approach to cancer therapy" <i>Ultrasonics Sonochemistry</i> 3:S187-S191.   |
| 28. | Yamamoto, T. (December 10, 1974) "Effect of phytochlorin on transplantable cancer cells" <i>Medicine and Biology</i> 89(6):433-438, English translation and certificate of translation included, 7 pages.  |
| 29. | Yamamoto, T. (April 10, 1975) "Suppression of tumors by the photodynamic action of phytochlorin sodium" <i>Medicine and Biology</i> 90(4):161-164, English translation and certificate of translation included, 4 pages.   |
| 30. | Yamamoto, T. and Miyagawa, F. (June 10, 1975) "Photodynamic effects on the nucleic acids of cancer cells sensitized by sodium phytochlorin" <i>Medicine and Biology</i> 90(6): 397-400, English translation and certificate of translation included, 4 pages.  |
| 31. | Yamamoto, T. and Miyagawa, F. (1978) "Photoradiation therapy, phytochlorin and visible light" <i>Prevention and Detection of Cancer, Part 1, Prevention. Volume 2, Etiology-Prevention Methods</i> Proceedings of the Third International Symposium on Detection and Prevention of Cancer held April 26, 1976 in New York, NY, 1(2):1789-1802. |
| 32. | Yumita et al., (1997) "Sonodynamically induced antitumor effect of gallium-porphyrin complex by focused ultrasound on experimental kidney tumor" <i>Cancer Letters</i> 112:79-86.  |
| 33. | Yumita et al., (1987) "The combination treatment of ultrasound and antitumor drugs on yoshida sarcoma" <i>Japan J. Hyperthermic Oncology</i> 3(2):175-182.   |

EXAMINER: /Karen A. Canella, Ph.D./

DATE CONSIDERED:

06/10/2010

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

RECEIVED  
DEC 04 2001  
TECH CENTER 1600/2980